

REMARKS

Claims 1-52 are pending in the application and are presented for reconsideration. The independent claims are claims 1, 14, 31 and 42. By the forgoing amendment, claims 1 and 14 have been amended and claims 25-52 have been added.

These changes are believed not to introduce new matter, and their entry is respectfully requested. The claims have been amended merely to clarify the claims and expedite the prosecution of the application, not to overcome any cited references.

Based on the above Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections, and withdraw them.

The Examiner requested that Applicants amend the Abstract of the Disclosure to ensure that the length is less than 150 words. Attached hereto, on a separate sheet is a replacement Abstract of the Disclosure that Applicants believe satisfies the Examiner's request.

Applicants have also amended the Summary of the Invention to better align this with the pending claims.

The Examiner has rejected claims 1-24 under the judicially created doctrine of obviousness-type double patenting over claims 1-37 of U.S. Patent No. 6,717,671. The

Examiner indicated that claims 1-24 would be allowable if a proper Terminal Disclaimer is filed. Applicants are filing herewith a Terminal Disclaimer based upon U.S. Patent No. 6,717,671. Applicants believe that this Terminal Disclaimer overcomes the rejection and request that the Examiner reconsider and allow the pending claims.

Other Matters

Applicants respectfully request that the Examiner consider, initial and include in the next correspondence to Applicants, confirmation that the Examiner has considered the references cited in the two information disclosure statements filed by the applicants, i.e., the IDS filed on May 26, 2004 and the IDS filed concurrently with this response.

Conclusion

Applicants believe that all of the stated grounds of objection and rejection set forth by the Examiner in the Office Action have been properly accommodated or addressed. Applicants, therefore, respectfully request that the Examiner reconsider all presently outstanding objections and rejections and withdraw them. The Examiner is invited to telephone the undersigned representative if it is felt that an interview might be useful for any reason.

Respectfully submitted
Steven W. Meeks *et al.*

Date: 28 Sept 2004

By: 

John T. McNelis
Attorney for Applicants
Reg. No. 37,186
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94306
(650) 335-7133
jmcnelis@fenwick.com

20830/08855/DOCS/1451420.1